

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:14-CV-626-RLV-DCK**

CASEY HAND,

Plaintiff,

v.

CAROLYN W. COLVIN,

Acting Commissioner of Social Security
Administration,

Defendant.

ORDER

On August 8, 2016, Magistrate Judge Keesler issued a memorandum and recommendation that Plaintiff's Motion for Judgment on the Pleadings be denied; the Commissioner's Motion for Judgment on the Pleadings be granted; and the Commissioner's determination be affirmed. (Doc. 25). The parties were advised of their right to object (*id.* at 14-15) and have not exercised said right within the time allotted.

The cross motions appear to be incorrectly named since they are more aptly characterized as motions for summary judgment. Indeed, the Commissioner filed a memorandum in support of her "Motion for Summary Judgment." However, the nomenclature has no effect on the result.

"The Federal Magistrates Act requires a district court to 'make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C. § 636(b)(1)) (alteration in original) (emphasis removed). Absent a timely objection, "a district court need not conduct a de novo review, but

instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.* (quotation omitted).

The Court has reviewed the opinion and has not found clear error.

IT IS, THEREFORE, ORDERED THAT

- (1) The Memorandum and Recommendation (Doc. 25) is **ADOPTED**;
- (2) The Plaintiff’s Motion (Doc. 16) is **DENIED**;
- (3) The Commissioner’s Motion (Doc. 22) is **GRANTED**;
- (4) The final decision of the Commissioner is **AFFIRMED**.

Signed: September 20, 2016

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

